



Public Service Commission of Wisconsin

Rebecca Cameron Valcq, Chairperson
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June 1, 2021

To: Persons Interested in American Rescue Plan Act (ARPA) Broadband Access Grants

Re: Announcement of the American Rescue Plan Act Broadband Access Grants 5-BF-2022

The Public Service Commission is pleased to announce that it is now accepting applications for broadband access grants authorized by the American Rescue Plan Act of 2021, PL 117-2 (March 11, 2021), amending Title VI of the Social Security Act (42 U.S.C. §§ 801 et seq.) (“ARPA”). This legislation allocated funds to aid the state in its response to the COVID-19 emergency. Governor Tony Evers has determined to make \$100 million of this funding available for improvements in broadband infrastructure pursuant to 42 U.S.C. § 802(c)(1)(D).

The instructions and guidance issued by the U.S. Department of Treasury to implement the ARPA may be found in the Interim Final Rule, Department of Treasury, “Coronavirus State and Local Fiscal Recovery Funds,” 86 Fed. Reg. 26786 (May 17, 2021) (“Interim Rule”)¹. The Interim Rule creates a different process for evaluating grant applications from that used in the past for the state Broadband Expansion Grant program. The main differences are highlighted below.

1. Schedule of Events

DATE	EVENT
July 13, 2021, 4PM CT	Last day for submitting questions and requests for clarification
July 26, 2021, 4PM CT	Last day to request uploading assistance
July 27, 2021, 4PM CT	Applications due from applicants (deadline for uploading to ERF). Applications are public.
August 20, 2021, 4PM CT	Last day for submitting an objection to a grant application
August 27, 2021, 4PM CT	Last day for submitting a response to an objection

¹ Available at <https://www.federalregister.gov/index/2021/treasury-department>.

2. Evaluation for Eligibility

The Interim Rule creates two required elements. Each application must satisfy these to be eligible.

- a. The project area proposed by the application must consist of unserved and underserved households or businesses. The Interim Rule defines unserved and underserved households or businesses as one or more households and businesses that are not currently served by a wireline connection that reliably delivers at least 25 Mbps download speed and 3 Mbps of upload speed. Interim Rule, C.F.R. § 35.6(e)(2), 86 Fed. Reg. 26786, 26823.
- b. The application must provide that, upon completion, the proposed service will reliably meet or exceed a symmetrical speed of 100 Mbps download and upload. In cases where the symmetrical 100/100 Mbps service is not practicable, the application may propose a service designed to reliably meet or exceed a 100 Mbps download speed and between 20 Mbps and 100 Mbps upload speed, but the proposed service must be scalable to a minimum of 100 download speed and 100Mbps upload speed. Interim Rule, C.F.R. § 35.6(e)(2), 86 Fed. Reg. 26786, 26823.

3. Evaluation and criteria for Merit

The Interim Rule also identifies several priority items. Following the evaluation for eligibility for funding, applications will also be reviewed by the evaluation committee and ranked based on the Interim Rule priority items along with priority items used previously by the Commission.

- Match: An application will receive credit based on the percentage of matching funds the applicant proposes to invest in its project and the variety of sources of matching funding provided by others.
- Project technology choice: An application proposing to invest in fiber optic infrastructure will receive credit. Interim Rule, 86 Fed. Reg. 26786, 26805.
- Last-mile connection: An application proposing to invest in a physical broadband network that provides last-mile connections will receive credit. Interim Rule, 86 Fed. Reg. 26786, 26806.
- Applicant Type or Partnership: An application proposing to build a broadband network owned, operated by, or affiliated with local governments, non-profits, and co-operatives will receive credit. Interim Rule, 86 Fed. Reg. 26786, 26806.

- Service affordability: An application that integrates one or more affordability options will receive credit. Interim Rule, 86 Fed. Reg. 26786, 26806.
- No existing agreement to build a broadband service: An application that demonstrates that there are no existing agreements or plans to build reliable wireline service with minimum speeds of 100 Mbps download and 20 Mbps upload within the project area by December 31, 2024, will receive credit. Interim Rule, 86 Fed. Reg. at 26806.
- Existing broadband service need: An application proposing to serve locations with the least access or slowest speed and the highest need will receive credit.
- Internet access or digital literacy assistance: An application proposing to provide internet access or digital literacy support to households facing negative economic impacts due to COVID-19 will receive credit. Interim Rule, 86 Fed. Reg. 26786, 26806.
- Applicant capacity and performance: An application that demonstrates the financial, technical, and operational capacity and experience to successfully and completely execute the project in the timeframe will receive credit.
- Technology Network and Budget: An application that demonstrates a well planned project with a reasonable budget that shows it will deliver speeds and service proposed and be sufficiently robust to meet increasing demand for bandwidth will receive credit.

4. Application and Objection Process

- a. A spreadsheet entitled Budget and Income Summary Form is available on the Commission website for use by applicants. Use of the appropriate form is a requirement. Applicants must complete and upload this spreadsheet to ERF in Excel format along with the Grant Application.
- b. Applications must be no more than 30 pages in length and adhere to the application instructions. Further, attachments to the application are welcome and not limited, but only the first 10 pages of comments of support will be used by the scoring panel to determine the merit list. Applicants are encouraged to curate these comments of support and order them so that the first ten pages are the comments that best support the application and address how the application satisfies the priority elements.

- c. The Commission will provide a period during which interested persons may review the grant applications that have been submitted and file written comments objecting to an application under review. Objections to a grant application must be filed under docket 5-BF-2022 using the ERF system. Objections are due by **4:00pm (16:00) Central Time on August 20, 2021**. An objection must identify and discuss an error of fact, or policy or statutory requirement that the application has contravened

Questions or concerns about the grant application process, program administration, content of the application, or the meaning of any provision of the application instructions should be submitted by e-mail message to PSCStateBroadbandoffice@wisconsin.gov, as provided in the Application Instructions at Section 1.5 If the Commission finds that the Instructions are unclear or in error, it will provide a clarification to the mailing list for this docket and update the materials on the website.

Sincerely,



Kristy Nieto
Division Administrator
Division of Digital Access, Consumer and Environmental Affairs

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5-BF-2022 Application Instructions for the ARPA grant cycle